

202 KAR 6:080. CMRS surcharge remittance and reporting.

RELATES TO: KRS 65.7621, 65.7627, 65.7629(3)- (9), (13), 65.7631, 65.7635, 65.7639, 65.7643, 9 U.S.C. 1-16, 47 U.S.C. 153(27), 332(d), FCC Order Docket #94-102, 1996

STATUTORY AUTHORITY: KRS 65.7633

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7631(3) requires the CMRS Board to collect surcharges from every CMRS connection in the Commonwealth and to distribute a portion of the revenues deposited into the CMRS fund to PSAPs, based on their workload in complying with the wireless E911 service requirements established by the FCC order. This administrative regulation establishes the process by which CMRS providers and their resellers remit surcharges and report the information necessary to collect the remittances and to calculate the required disbursements.

Section 1. Remittance of CMRS Surcharge. (1) A CMRS provider shall remit to the CMRS Board the CMRS surcharge on form "EFT Payment Submission", incorporated by reference, also available on the web page at <http://cmrsboard.ky.gov>.

(2) At least ninety (90) calendar days before implementation of a change in remittance procedure, the board shall notify each provider, by certified mail, return receipt requested, of the change. Notice shall include copies of required forms and instructions for their completion.

(3) The board shall:

(a) Upon request of a provider, provide copies of required forms and instructions for their completion; and

(b) Maintain on the Web site <http://cmrsboard.ky.gov>, a copy of the form and instructions in current use.

Section 2. Quarterly Report of CMRS Connections in a Zip Code. (1) Each provider or reseller shall submit to the CMRS Board a quarterly report of the number of CMRS connections served by them.

(2) Each quarterly report shall list for each zip code served by the provider and located at least partially in Kentucky, the number of CMRS connections billed by them in the months of March, June, September, or December.

(3) The report shall be sorted by zip code and submitted as an Excel spreadsheet.

(4) A reseller shall include:

(a) A list of the CMRS providers on whose network they resell service; and

(b) The number of CMRS connections on each network.

(5) The report shall be due at the CMRS Board office no later than sixty (60) days following the end of the reporting month.

Section 3. Required Reports Regarding Resellers of CMRS Service. (1) A provider who contracts with a reseller of wireless service shall submit to the CMRS Board a quarterly report listing each vendor reselling wireless service on the provider's network.

(2) The quarterly report shall:

(a) Be submitted to the board no later than sixty (60) days after the end of the calendar months of March, June, September, and December;

(b) Include the reseller's:

1. Business name;

2. Business address;

3. Contact person;

4. Telephone numbers; and

5. E-mail address; and

(c) Include, if the network provider has a cost recovery plan based on number of subscribers, the number of CMRS connections receiving service on the provider's network and billed by the listed reseller.

Section 4. Provider Failure to Comply with Reporting and Remittance Requirements. (1) A provider's failure to comply with the requirements of this administrative regulation shall constitute cause for the board to suspend cost recovery payments to the provider.

(2) A cost recovery payment shall be suspended only if authorized by a majority vote of the CMRS Board.

(3) The board shall not consider suspension of payment to a provider unless the provider has been:

(a) Notified in writing of the failure to comply with a stated provision of this administrative regulation; and

(b) Allowed ten (10) days from receipt of notice in which to respond.

(4) The provider may appeal the board's suspension of cost recovery payments, in accordance with KRS Chapter 13B.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "EFT Payment Submission, 6/2001"; and

(b) "Bank Routing and Account, 6/2001.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the CMRS Board, 200 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (28 Ky.R. 1271; Am. 1614; eff. 1-14-2002; TAm eff. 8-31-2007.)